

Remarks/Arguments

This communication is considered fully responsive to the final Office action mailed December 4, 2003. Claims 1-37 were examined and stand rejected. No claims have been amended. No claims have been canceled. No claims have been added. Reexamination and reconsideration of claims 1-37 are respectfully requested.

Summary of In-person Inventor Interview

The Applicant wishes to thank Examiner Sindya Narayanaswamy and Primary Examiner Zarni Maung for their participation in the in-person examiner interview on February 10, 2004 with the Undersigned and Applicant's in-house attorney, Jeff Ranck. In the interview, we discussed the premature nature of the final rejection. We also discussed claim 1 with reference to the Ferris reference, which had been cited by the Examiner, and the Emmelman reference, which the Applicant had submitted in a supplemental information disclosure statement. This Response is filed in accordance with the substance of this interview.

Response to Finality of the Action

The Applicant submits that the finality of the Office action is premature and therefore respectfully requests that the finality be withdrawn. With the Office action mailed December 4, 2003, the Office maintains the previous ground for rejection and states a new ground for rejection, ostensibly in response to Applicant's arguments in the first Response. These rejections are mutually exclusive and fatally inconsistent. Accordingly, the final rejection is improper at this time, and the Applicant requests that the finality be withdrawn.

In the first Office action, the Office rejected claims 1, 16, and 17 on the ground that the Action Controller and the Associations in Ferris constituted server-

1 side control objects. First Office action, pg. 2, lines 11-18. Responsive to this
2 rejection, the Applicant asserted, among other arguments, that Ferris failed to
3 disclose or suggest server-side control objects. In particular, the Applicant
4 responded to the Office's stated rejection by arguing that the client-side Action
5 Controller and Association in Ferris do not constitute server-side control objects.
6 In finally rejecting claims 1, 16, and 17, the Office nevertheless maintained the
7 rejection based on client-side Action Controllers and Associations.

8 In the Response to Arguments section of the second Office action, the
9 Office introduced a new ground for rejection, proposing that a CGI program
10 constituted a server-side control object. Second Office Action, page 11, lines 1-7.
11 As discussed in a following section of the present Response, the Applicant asserts
12 that the invention recited in claims 1-37 patentably distinguishes over this new
13 ground for rejection as well.

14 The Office's dual grounds for rejection are unmistakably contradictory.
15 The CGI program in Ferris is a server-side process activated by the HTTP server;
16 whereas the Action Controller in Ferris is a client-side process. Ferris, pg. 22,
17 lines 1-3. See also FIGs. 2 and 3. The Applicant submits that the server-side
18 control objects claimed in the present application cannot be simultaneously
19 compared to both the client-side Action Controller and the server-side CGI
20 program in Ferris. Therefore, the Applicant respectfully contends that the Office's
21 dual grounds for rejection are mutually exclusive and fatally inconsistent in the
22 second Office action and constitute a shift in the ground for rejection from the first
23 Office action.

24 Furthermore, the Applicant submits that the finality is not "necessitated by
25 amendment", despite the change in the grounds for rejection. Only claims 1, 16,

1 and 17 were amended, and the amendments do not narrow the scope of the claims.
2 Importantly, the language "received from the client", which already modified
3 "postback input" in the preamble, was simply added to each subsequent use of the
4 language "postback input" in the claims. Such amendments do not alter the scope
5 or meaning of "server-side control object" and do not necessitate a new ground for
6 rejection.

7 Accordingly, the Applicant respectfully requests reconsideration and
8 withdrawal of the finality of the action.

9 **Claim Rejections – 35 U.S.C. § 102(b)**

10 Claims 1-4, 7, 12, 16-19, and 21-37 stand rejected under 35 U.S.C. § 102(e)
11 as being purportedly anticipated by Ferris, WO 98, 44695 ("Ferris"). The
12 Applicant respectfully traverses this rejection. Under either of the Office's
13 grounds for rejection, claims 1-4, 7, 12, 16-19, and 21-37 patentably distinguish
14 over the Ferris.

15 With regard to the Office's first position that an Action controller and
16 Associations constitute the server-side control object recited in claims 1-37, the
17 Applicant reiterates the argument that the client-side Action Controller and
18 Associations of Ferris cannot constitute server-side control objects as recited in
19 claims 1-37.

20 With regard to the Office's second position that a CGI program constitutes
21 sever-side control object, as restated from the first Response, "[s]erver-side control
22 objects 'logically correspond to client-side user interface elements' and generate
23 authoring language code at the server. Pg. 6, line 22 to pg. 7, line 1." In contrast,
24 CGI program is merely a script (not a control object) at a web server that receives
25 an HTTP request, operates on data in the HTTP request, interacts with back-end

1 resources, and outputs responsive HTML data for an HTTP response. Ferris's
2 disclosure is consistent with this description of a CGI program. The Applicant's
3 specification even discusses the disadvantages of such programs on page 2, line 15
4 to page 3, line 10, and thus proposes a system of server-side control objects
5 logically corresponding to individual user interface elements as an improvement.

6 Importantly, Ferris utterly fails to disclose or suggest that a CGI program
7 constitutes a control object, or any kind of object for that matter, and the Office
8 cites no reference and makes no argument to account for this. Furthermore, Ferris
9 discloses or suggests no logical correspondence or mapping between a CGI
10 program and a client-side interface element (e.g., text boxes, list boxes, buttons,
11 hypertext links, images, sounds, etc.). Therefore, Ferris fails to disclose or suggest
12 that a CGI program constitutes a server-side control object.

13 For at least the foregoing reasons, claim 1 is believed to be allowable over
14 any of the cited references. Accordingly, allowance of claim 1 is earnestly
15 requested.

16 Claims 16 and 17 stand rejected on the same basis as claim 1 and are
17 believed to be allowable for at least the same reasons as claim 1. Withdrawal of
18 the rejection of claims 16 and 17 is respectfully requested.

19 Claims 2-4, 7, and 12 depend from claim 1, which is believed to be
20 allowable. Therefore, claims 2-4, 7, and 12 are believed to be allowable for at
21 least the same reasons as claim 1. Withdrawal of the rejection of claims 2-4, 7,
22 and 12 is respectfully requested.

23 Claim 18 recites "creating a plurality of server-side control objects in a
24 server-side control object hierarchy". The Office has rejected claim 18 on the
25 same basis as claim 1. Accordingly, the Applicant respectfully requests allowance

1 of claim 18, at least for the reasons that the rejection fails to point to any teaching
2 of a server-side control object hierarchy of the creation/termination thereof in
3 Ferris.

4 Claim 19 depends from claim 18, which is believed to be allowable.
5 Therefore, claim 19 is believed to be allowable for at least the same reasons as
6 claim 18. Withdrawal of the rejection of claim 19 is respectfully requested.

7 Claim 21-37 all recite one or more server-side control objects. Ferris does
8 not disclose or suggest even one server-side control object, as argued with regard
9 to claim 1. Therefore, claims 21-37 are believed to be allowable for at least the
10 same reason as claim 1. Withdrawal of the rejection of claims 21-37 is
11 respectfully requested.

12 In addition, claims 23-37 recite a hierarchy of server-side control objects.
13 Ferris does not disclose or suggest a hierarchy of server-side control objects. as
14 argued with regard to claims 4 and 18. Therefore, claims 23-37 are believed to be
15 allowable for at least the same reason as claims 4 and 18. Withdrawal of the
16 rejection of claims 23-37 is respectfully requested.

17 **Claim Rejections – 35 U.S.C. § 103**

18 Claims 5, 6, 8-11, 13-15 and 20 stand rejected under 35 U.S.C. § 103(a) as
19 being purportedly unpatentable over Ferris. The Applicant respectfully traverses
20 this rejection.

21 Claims 5, 6, 8-11, and 13-15 depend from claim 1, which is believed to be
22 allowable. Therefore, claims 5, 6, 8-11, and 13-15 are believed to be allowable for
23 at least the same reasons as claim 1. Withdrawal of the rejection of claims 5, 6,
24 8-11, and 13-15 is respectfully requested.

25

1 Claim 20 depends from claim 18, which is believed to be allowable.
2 Therefore, claim 20 is believed to be allowable for at least the same reasons as
3 claim 18. Withdrawal of the rejection of claim 20 is respectfully requested.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C nclusi n

The Applicant respectfully requests that a timely Notice of Allowance for claims 1-37 be issued in this matter.

Respectfully Submitted,

Dated: 2-12-04By: 

Richard J. Holzer, Jr.
Reg. No. 42,668
(509) 324-9256

Intervi w Summary	Application No.	Applicant(s)	
	09/574,165	BURD ET AL	
	Examiner	Art Unit	
	Sindya Narayanaswamy	2174	

All participants (applicant, applicant's representative, PTO personnel):

(1) Sindya Narayanaswamy. (3) Richard Holzer. *RH*

(2) Zarni Maung. (4) Jeff Ranck. *JR*

Date of Interview: 2/10/04.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: 1.


Identification of prior art discussed: _____

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant will file After Final with regard to response for reconsideration.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


ZARNI MAUNG
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

OFFICIAL

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0631-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Number: 09/574,165

Filing Date: May 18, 2000

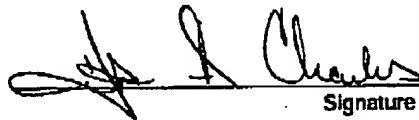
RECEIVED
CENTRAL FAX CENTER

FEB 12 2004

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Officeon February 12, 2004

Date



Signature

Hope A. Charles

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify
each submitted paper.Fax Transmittal Cover Sheet (1 page)
Response after Final Office Action and Request for Reconsideration
(20 pages)
Interview Summary (2 pages)

Total Pages in Transmission: 23

PTO Fax Number: 703.872.9306

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case.
Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,
Washington, DC 20231.